

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

SMITH & NEPHEW, INC.

Plaintiff,

vs.

EXACT SURGICAL, INC.,

Defendant.

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Case No. 4:12-CV-00495

JOINT STIPULATION OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff Smith & Nephew, Inc. and Defendant Exact Surgical, Inc., by the undersigned counsel, submit this joint stipulation of voluntary dismissal with prejudice of this cause.

The parties stipulate that all of claims and defenses in the above-captioned case should be dismissed with prejudice, with Plaintiff and Defendant each bearing responsibility for their own attorney's fees, costs, and other expenses incurred in connection with this case.

Respectfully submitted,

s/ Brian P. Johnson

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s/ Ken C. Stone

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AND

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Pro Hace Vice To Be Sumitted

ATTORNEYS IN CHARGE FOR DEFENDANT,
EXACT SURGICAL, INC.

CERTIFICATE OF SERVICE

I, the undersigned attorney, hereby certify that on February 21, 2014 I electronically transmitted the foregoing document to the Clerk of Court using the CM/ECF System, which will send a notice of electronic filing to all parties receiving electronic notice.

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